

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

WADE LAY,

Plaintiff,

v.

**OKLAHOMA DEPARTMENT
OF CORRECTIONS, et al.,**

Defendants.

No. CIV-13-481-RAW-SPS

OPINION AND ORDER

Plaintiff has filed an amended complaint [Docket No. 12] that is not in compliance with the court's order entered on October 24, 2013 [Docket No. 4]. He was directed to submit an amended complaint on the court's civil rights complaint form, but he instead submitted a 53-page complaint, including attachments, with only three pages from the court's complaint form. The amended complaint is incoherent, and the court cannot ascertain the relevant facts.

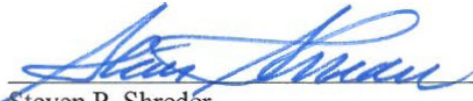
To avoid dismissal for failure to state a claim under Fed. R. Civ. P. 12(b)(6), a complaint must present factual allegations, assumed to be true, that "raise a right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007).

Under Federal Rule of Civil Procedure 8(a)(2), a pleading must contain a "*short and plain statement of the claim showing that the pleader is entitled to relief.*" As the Court held in *Twombly*, 550 U.S. 544, the pleading standard Rule 8 announces does not require "detailed factual allegations," but it demands more than an unadorned, the defendant-unlawfully-harmed-me accusation. A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." Nor does a complaint suffice if it tenders "naked assertion[s]" devoid of "further factual enhancement."

Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009) (emphasis added) (internal citation omitted). See also *Erikson v. Pawnee County Bd. of County Comm'rs*, 263 F.3d 1151, 1154-55 (10th Cir. 2001), *cert. denied*, 535 U.S. 971 (2002). Plaintiff's amended complaint fails to meet this standard.

ACCORDINGLY, plaintiff's amended complaint [Docket No. 12] is STRICKEN, and he is directed to submit within fourteen (14) days a second amended complaint *on the court's civil rights form* that complies with Rule 8(a)(2). He is further directed to follow the instructions for completing the form. The second amended complaint must include all defendants, allegations, and supporting material to be considered by the court, and it may not reference or attempt to incorporate material from the original complaint or the first amended complaint. The Court Clerk is directed to send plaintiff the form and instructions for filing the second amended complaint. Failure to comply with this order will result in dismissal of this action.

IT IS SO ORDERED this 18th day of November, 2013.


Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma